THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 26488 of 2005

Dated 13.12.2005

Between:

A.Pawan Kumar, C/o Rama Krishna Paramahamsa, D. No. 7-12-22, Old Gajuwaka, Visakhapatnam-26

..... PETITIONER

AND

The Municipal Commissioner, Municipal Corporation of Eluru Eluru, West Godavari District

.....RESPONDENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 26488 of 2005

ORDER:

The petitioner claims to be the owner of a residential house constructed on a plot admeasuring 338 square yards in RS No.89/3, Santhinagar in W.P. Ward, Eluru Municipal Corporation, Eluru Mandal, West Godavari Distirct. He alleges that on 6.12.2005, the officials of respondent Corporation partially demolished the compound wall purporting to lay a road. The petitioner's grievance is that such action is *per se* illegal as no due process of law was followed.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent Corporation.

Time and again, this Court has held that as and when private property is required either for laying road, widening road or for any other public purpose, all the authorities are required to follow due process of law. A Division Bench of this Court in **P.Lakshmana Rao v. Executive Officer,** has laid down certain guidelines and this Court has repeatedly reiterated those guidelines in number of cases. In spite of this, allegations are heard about the alleged high handed action of the municipalities and the municipal corporations. Therefore, instead of keeping the writ petition pending, the same is disposed of directing the respondent to follow the guidelines laid down by this Court in P.Lakshmana Rao v. Executive Officer (supra). Till the procedure is followed, there shall be status quo.

The writ petition, with the above observations and directions is accordingly disposed of.

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V.V.S.RAO,J

Note:

Furnish CC by tomorrow

(B/o)

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